

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2018
Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.24766 of 2018
and
W.M.P.No. 28790 of 2018

1.B.Rajendran
2.K.Manavalan
3.B.R.Rajendran
4.K.Selvaraj

...Petitioners

Vs.

1.The Agricultural Production Commissioner
and secretary to Government,
Secretariat,
Chennai-9

2.The Commissioner and Director of Agriculture,
Agriculture Department,
Chepuak,
Chennai-5

3.The Joint Director of Agriculture,
Cuddalore.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records leading to the issue of G.O(2D) No.124, Agriculture Department dated 25.05.2009 issued by first respondent, the letter No.AUP2/125176/2006 dated 01.06.2009 issued by the second respondent and the proceedings No.A5/7861/2009 dated 17.06.2009 issued by the third respondent and quash the same and direct the respondents to regularise the service of the petitioners with effect from the date of completion of ten years of service as daily wage employees with monetary and service benefits.

For Petitioners : Mr.R.Singaravelan,
Senior Counsel
for M/s.G.Elangovan

For Respondents : Mrs.R.Janaki, AGP

ORDER

As it appears from the averments made in the writ petition that the petitioners are working as a Daily Wage worker in the Bio Fertilizer Unit, Semmandalam, Cuddalore of the respondents since 1992. The petitioner thereafter having rendered long years of service, they approached the Tamil Nadu Administrative Tribunal in O.A.No.2607 of 1997 for regularization of their service which was disposed of vide order dated 30.12.2002 with a direction to the respondents to consider the regularisation of service of the petitioners. In spite of the same, the department having not taken any steps for regularization, the petitioners had approached this Court in WP No.25441 of 2004 wherein, this Court had directed to dispose of the representation of the petitioners made in this regard within a stipulated period of four weeks. However, vide order No.GO(2D) 124 dated 25.05.2009, their service were directed to be regularized and accordingly, vide proceedings dated A5/7861/2009 dated 17.06.2009, their service were regularized. The Government of Tamil Nadu vide GO (MS) No.22 P&AR Department dated 28.02.2006 had earlier issued notification for regularization of service on completion of 10 years of as daily wage workers. Accordingly, the petitioner made representation for regularizing their service retrospectively on completion of 10 years which would make them eligible for pension. Thereafter they had also made successive individual representations in different dates to the 3rd respondent ventilating the aforesaid grievance. Their such representation has been forwarded with recommendation by the 3rd respondent on 27.03.2018 to the 2nd respondent. Thereafter, in the meanwhile, more than five months having elapsed and no action on the same having been taken they come to file this writ petition challenging such inaction of the 2nd respondent seeking a writ of certiorarified mandamus to regularize their service from 2009 and with a direction to the respondents to regularize the service of the petitioner on completion of 10 years of service.

2. During the course of hearing, the learned counsel appearing for the petitioner submits that though the petitioners have sought for the larger relief but it would suffice if the 2nd respondent is directed to take a decision on the representations made with the recommendation of the 3rd respondent in this regard, within a stipulated period.

3. Mrs.R.Janaki, learned Additional Government Pleader who accepts notice on behalf of respondents submits that the 2nd respondent shall have no objection to consider such

representation but this Court should not put any fetter on merit on such representation, inasmuch as in the absence of any response of the respondents, more particularly the 2nd respondent in this regard.

4. After hearing the learned counsel appearing for the petitioners and going through the materials on record, especially the nature of relief sought for, this Court dispose of this writ petition at the stage of admission without seeking any reply affidavit from the 2nd respondent with a direction to consider such representation of the petitioners addressing the recommendation of the 3rd respondent on the same in this regard, within a period of six week from the date of receipt of copy of this order and communicate the decision taken thereof to the petitioners. However it is made clear that this Court has expressed no opinion on merit of such representations in any manner. Hence, there is no fetter on the part of the respondents to dispose of the representation in any particular manner except to take informed and considered decision within the time stipulated. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Agricultural Production Commissioner
and secretary to Government,
Secretariat,
Chennai-9

2.The Commissioner and Director of Agriculture,
Agriculture Department,
Chepuak,
Chennai-5

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3.The Joint Director of Agriculture,
Cuddalore.

+1cc to the Government Pleader Sr.66318
+1cc to Mr.D.Kingslin, Advocate Sr.66113

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skv[co]
srg 31/10/2018



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